(*e*) whether any action is taken against the contractor who had not complied with the requirements of the contract given by the Government?

A.—Smt. YASHODARA DASAPPA (Minister for Social Welfare).—

(*a*) (i) *Idu*: There is no agricultural colony for Scheduled Tribes in Idu village.

(ii) *Mala*: Tribal colony Rs. 10,000.

(*b*) (i) *Idu*: None.

(ii) *Mala*: 6.

(*c*) Yes.

(*d*) None.

(*e*) No, as the buildings were constructed departmentally.

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PAPERS LAID ON THE TABLE.

SECRETARY.—I beg to lay on the table of the House the Industrial Disputes (Mysore Amendment) Bill, 1962 as passed by the Legislative Council.

Sri G. NARAYANA GOWDA (Minister for Agriculture).—I beg to lay a statement as promised in reply to starred Question No. 8 by Sri B. L. Gowda*.

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BUSINES OF THE HOUSE.

MR. SPEAKER.—Yesterday, we were just taking up clauses 3 to 9 and I was putting them collectively because there was no amendment. At that time Sri Patil wanted to speak on clause 3. As I mentioned yesterday the extension of time was only till evening. So, somebody may move for extension of time.

Sri V. S. PATIL (Belgam I).—I beg to move:

"That the time for consideration of Mysore Housing Board Bill, 1962 be extended by half an hour"

MR SPEAKER.—The question is:

"That the time for consideration of Mysore Housing Board Bill, 1962 be extended by half an hour."

The motion was adopted.

——

MYSORE HOUSING BOARD BILL, 1962.

CONSIDERATION OF CLAUSE.

(*Continued.*)

† Sri V. S. PATIL (Belgaum).—Clause 3 is the most important clause in the whole of the Bill. Here the constitution of the Board is defined and for that constitution, the Government is taking the power to nominate all these members. I should like to say that when such a great and big work is there for being carried out by this Board and according to the Hon'ble Minister several hundred crores have to be spent to cope with this work, when such vast work is there, why the Government should take the power to nominate all the Members of this Board? That is one thing. The second thing, Sir, is why this power is not to be given either to the local bodies in the State to elect their representatives? There are 12 members and they can be distributed one for two districts and one for this Corporation. On this basis also, there may be an element of election in constituting this Board. If the Government want to take this power of appointment or nomination, then Sir, I submit that there must be some qualifications for these members.

*Copy retained in the Mysore Legislature Library *Vide* No.5/dt. 14-12-62.

†Indicates that the remarks or speeches have not been revised by the Member concenred.

(Sri V. S. PATIL).

We are going to appoint these members for constructing houses and several kinds and type for several kinds of people ; and the persons who are in the know of such things, because how to build the particular kinds of buildings regarding the particular way—all those technical matters will be involved there, will have to be appointed. So, some kind of qualifications ought to have been mentioned in this Act so as to restrict the powers of the Government to appoint their own henchmen. I am sorry to use that word. But our experience is that and the whole nation is criticising the Congress Party for creating such posts and for the purpose of carrying out the works, they make provision for their own persons. That should not be the case. That is why, I should like to request the Government to have definite idea about the qualifications of the members to be appointed.

Then, in sub-clause 4, " for the purpose of this Act and the Mysore Land Acquisitions Act, 1894, the Board shall be deemed to be a local authority." The word " Mysore " is retained here. I am referring to the amendment moved by the Hon' ble Minister. So far as clause 33 is concerned, there also the Mysore Land Acquisition Act is mentioned. But there the word " Mysore " is to be deleted according to the amendment. If that is the case, why is the word "Mysore " in this clause not moved to be deleted ?

AN HON'BLE MEMBER.—Oversight.

Sri V. S. PATIL.—I should like to request the Hon'ble Minister to delete this word by a suitable amendment.

Then I refer to ctause 5. In this clause, sub-clause (3) proviso, the proviso is rather absurd. " provided that such a person discloses to the State Government the nature and extent of the shares held by him." What is the necessity of this, I do not understood. You can make a rule that if a person holds so many shares or percentage of shares, then he is disqualified. Where is the necessity of having this power with the Government, to make disclosures to know the extent of shares ? I should like to request the Government to go by rules and not by the wishes or nepotism. That should not come. As far as possible, we must reduce it to nil. That is why I should like to request the Hon'ble Minister to delete this proviso as this will give some discretionary power to the Government to allow such persons even though they hold some shares. That should not be the case. That is why I am against that.

Then clause 7 vacancy of any member. Sub-clause (b) is " if a member tenders his resignation in writing to the State Government". At the same time, compare this sub-clause (3) of clause 3. "Any member of the Board may at any time resign his office by submitting his resignation to the State Government. Provided that the resignation shall not take effect until it is accepted." So, until the Government accepts that resignation, there can be no vacancy. But sub-clause (b) of clause 7 is not governed by that. The moment he offers his resignation to the seat becomes vacant according this clause. So, unless the resignation is accepted that Member will continue to be a member. That is why I should like to point out, the Hon'ble Minister that this is also a discrepancy left out of sight. When the resignation is accepted, then the vacancy will arise. Otherswise, not. Unless the resignation is accepted by the Government there will not be any vacant seat, because the resignation will not be effective.

Then in sub-clause (1) of clause 8, it is said that "any vacancy of a member of the Board shall be filled in as early as practicable." This is not permissible or good. The Governmeat must be bound down to nominate a person within a prescribed time, not to allow it lingering, or waiting to see how many candidates will come, what will be the influences, etc. This should be set aside. It should be within a month or two months or three months. Put a time limit, instead of saying as early as practicable. These are the remarks, which I have to tender so far as clauses 3 to 9 are concerned.

Sri D. DEVARAJ URS (Minister for Labour Housing and Transport:—In respect of clause 3, of course, the Hon'ble Member Mr. Patil himself has not raised any serious objection for nomination of the members to the Board. But he pleads that there should have been sort of election provided. Let me tell him at the outset that the entire money is given by the Government and it is not clear as to who should be the electoral college for electing members. In the first iustance, the money is entirely Government's. In the second instance, it is somewhat difficult to define the electoral college from where a member has to be elected. Of course, I need not speak elaborately on the point, because Mr. Patil himself agrees that while nominating, Government should go into the question of each man's capacity and the qualification before he is taken to the Board as a member. Of course, that is a good suggestion and Government will certainly bear in mind. Merely because that the man is a party man even in the party, I may tell before the House, there are very many good people who have experience and who know the rural parts and who know housiggproblems. Of course, Government is there to nominate only persons of experience. As I already submitted yesterday, the position of the Board today is, only heads of institutions six in number have been put on the Board. They have sufficient experience in this housing problem in some capacity or the other. However, the Hon'ble Member's suggestion will be borne in mind.

With regard to the other suggestion, I agree with my friend that the word "Mysore" may be omitted in sub-clause 4 of clause 3. That is a consequential amendment. But we have omitted to provide for. A suitable amendment will be moved.

MR. SPEAKER.—Or, I may excercise my power under rule 93, though it is not clear. Rule 93 says:

> "Where a Bill is passed by the Assembly the speaker shall have power to correct patent errors and make such other changes in the Bill as are consequential upon the amendment accepted by the Assembly."

But, anyway, you can, if you like, give an amendment. Or, if the House permits—after all in 1894, I do not know whether there was a separate Mysore Land Acquisition Act—as the word "Mysore" is a patent error, I think we can ommit it.

Is the Hon'ble Minister replying with regard to the other points?

Sri D. DEVARAJ URS.—With regard to a vacancy, the Hon'ble Member has raised a doubt, and also in clause 8, he wants that a definite time limit should be put instead of as early as practicable. If it is the desire of the House that a time limit should be fixed, it can be done under the rule-making power.

MR. SPEAKER.—That can be taken note of.

As regards share qualification, this is the proviso to be found in almost all the Housing Board Acts.

Sri V. S. PATIL.—There is no prohibition for Government to nominate any person even if he owns the whole of a concern. If the person says that he has only a share, the extent of his shareholding will not be known and on that account Government may be open to criticism and so it is necessary that he should declare the percentage of the shares held by him.

MR. SPEAKER.—Your idea does not fit in the proviso.

Sri DEVARAJ URS.—A person will not be disqualified merely by his being a shareholder of a concern. The proviso is there so as to make the person disclose not only the extent of the shares held by him but also the nature of such shares. So, the proviso as it stands is all right.

MR. SPEAKER.—The question is:

"That clause 3 with the omission of the word "Mysore" in sub-clause (4) stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

MR. SPEAKER.—The question is:

"That clauses 4 to 9 do stand part of the Bill."

The motion was adopted.

Clauses 4 to 9 were added to the Bill.

CLAUSE 10

Sri DEVARAJ URS.—I beg to move:

In sub-clause (4) for the words "rupees sixty" the words "rupees two hundred" shall be substituted.

MR. SPEAKER.— Amendment moved:

"That in sub-clause (4) for the words "rupees sixty" the words "rupees two hundred" shall be substituted."

Sri DEVARAJ URS.—This amendment has some history behind it. Under the old Mysore Labour Housing Act, 1949, there was a similar section which empowered the Board to employ officers in posts carrying an emolument up to Rs. 500.

Subsequently that section was amended and in the 1955 Housing Board Act section 13 analogous to section 10 of the present Bill was incorporated. Later it was visualised to give power to the Board for making appointments in the then-draft Bill. But the Select Committee which went into that Bill, I am given to understand, removed that provision and hence section 13 was amended as it stands now in the Act. The same thing has been copies in the present Bill. If this power to make appointments is limited to posts carrying a pay of Rs. 60 there will be one difficulty. Nowadays even the smallest post carries a salary of more than Rs. 60 and so it is not possible for the Board to appoint any person. So it is proposed to raise this limit to Rs. 200 so that the Board may make appointments up to Rs. 200.

MR. SPEARER.—I do not think that there is any opposition to this.

Sri V. S. PATIL.—On the contrary I would like to say that even if the Government deletes this sub-clause and takes the whole power, I have no objection because we have the bitterest experience so far as the BHB is concerned. I do not think we can blame the Government for increasing the limit of emoluments.

MR SPEAKER.—The question is:

"That in sub-clause (4) for the words "rupees sixty" the words "rupees two hundred" shall be substituted."

The motion was adopted.

MR SPEAKER.—The question is:

"That clause 10, as amended, do stand part of the Bill."

The motion was adopted.

Clause 10 as amended, was added to the Bill.

MR SPEAKER.—The question is:

"That clauses 11 to 25 do stand part of the Bill"

The motion was adopted.

Clauses 11 to 25 were added to the Bill.

Sri V. S. PATIL.—Sir, clauses 25 to 29 practically supersede the powers of the local authorities so far as constauction of houses, preparing plans, etc. are concerned. When this power is already there with the local authorities, I cannot understand why the Government is imposing another body over and above the local authorities for this purpose.

Under clause 26 (2) the compensation to be paid is a sum near to the value of such land. Value has got different meanings and the value may be restricted under certain circumstances by the provisions made by this House or by Parliament or the provisions of the constitution. Value may mean current value that can be fixed or may be the market value. Out of all these categories, what value is there in the mind of Govt? There must be a clear meaning for this word. The value must be either the market value or the value that is prescribed by Govt. or the value that is fixed under any particular Act. As an instance, may say that in the Bombay Area when agricultural lands are acquired by Govt· for some purpose, the value that is given by them is the market value. But that value is apportioned between the tenant and the landlord in a certain proprotion. The landlord is given only 200 times the assessment and the bulk of the amount goes to the tenant. That is why we have got different meanings and different ways of dealing with these immovable properties and fixing their prices. That is why I should like to know what is the idea of the Govt. in using these words "a sum equal to the value of such land."

2-30 P.M.

Sri DEVARAJ URS.—Sir, I will deal with the second point first. The value of land, in the absence of any definition, ought to mean the market value. I am very clear about this point. If Government wanted to define it and wanted is to be different, we would have defined it. But now, Government has no such mind.

With regard to the other point, whether the existing powers of the Municipalities and local authorities will not be curtailed, my Hon'ble Friend very well knows that, even as things stand, it is not as though the local bodies enjoy absolute power in regard to taking up any scheme or construction of a House. Government has always the power and, to that extent, the powers of the local authorities are circumscribed. In Mysore City and Bangalore City, to the extent that the City Improvement Trust Boards operate, the powers of the Corporation and other bodies are curtailed· It is not as though the Board can directly encoach upon the authority of these local bodies; it is only with the consent of the Government. Only when a scheme is approved by Government, will

(Sri DEVARAJ URS)

the Board have the authority and right to push through the scheme. So, there is no ground for such apprehension.

MR. SPEAKER.—The question is:

"That clauses 26 to 29, both inclusive do stand part of the Bill".

The motion was adopted.

Clauses 26 to 29, both inclusive were added to the Bill.

MR. SPEAKER.—The question is:

"That clauses 30 to 32, both inclusive do stand part of the Bill."

The motion was adopted.

Sri DEVARAJ URS.—Sir, I beg to move an amendment to clause 33.

"That in sub-clause (2) the word "Mysore" in the two places wherever it occurs shall be omitted."

MR. SPEAKER.—Amendments moved:

"That in sub-clause (2) the word "Mysore" in the two places wherever it occurs shall be omitted."

It is purely a technical error which has been set right.

The question is:

"That in sub-clause (2) the word "Mysore" in the two places wherever it occurs shall be omitted."

The motion was adopted.

Sri G. V. GOWDA (Palya).—Sir, I want to speak on clause 33. The proviso says that the previous approval of the State Govt. shall be obtained in case of purchase or exchange involving land worth more than Rs. 25,000 or lease for more than five years. Whereas under clause 38, the Board can take action. It can exchange land worth even a lakh of rupees. I feel that cluase 38 is contradictory to the proviso in cluase 33.

Sri DEVRAJ URS.—It is very clear that under cluase 33, the Board is given power to purchare or lease by agreement whereas under cluase 38 it is given the power to dispose of land which is already the property of the Board. These two powers are entirely different and there is no contradiction.

MR. SPEAKER.—The question is:

"That clause 33, as amended, stand part of the Bill.

The motion was adopted.

Sri DEVARAJ URS.—Sir, I beg to move an amendment to cluase 34.

"That after sub-cluase (3), the following sub cluase shall be added, namely:—

"(4) Notwithstanding anything contained in sub-sections (1) and (3), in respect of any land used for agricultural purposes at the time of the execution of the schemes the betterment charges shall be leviable by the Board in accordance with such procedure as may be prescribed only after such land is used or converted for use for non-agricultural purposes."

MR. SPEAKER.— Amendment moved:

"That after sub-clause (3), the following sub-cluase shall be added, namely:

"(4) Notwithstanding anything contained in sub-sections (1) and (3), in respect of any land used for agricultural purposes at the time of the execution of the schemes the betterment charges shall be leviable by the Board in accordance with

such procedure as may be prescribed only after such land is used or converted for use for non-agricultural purposes."

Sri DEVARAJ URS.—Sir, some Hon'ble Member suggested this amendment and doubted whether this point should not be made clear. Hence this amendment.

Sri G. V. GOWDA.—Sir, I welcome the amendment, but my doubt is why should the Govt. leave this matter to be prescribed later on. Why cannot they prescribe here itself as to what percentage of the increase in value of the agricultural land has to be paid as betterment charge.

MR. SPEAKER.—The amendment does not say anything with regard to the quantum of increase but it says only with regard to the procedure.

MR. SPEAKER.—Amendment moved:—

"That after sub-clause (3), the following sub-clause shall be added, namely :—

"(4) Notwithstanding anything contained in sub-sections (1) and (3), in respect of any land used for agricultural purposes at the time of the execution of the schemes the beterment charges shall be leviable by the Board in accordance with such procedure as may be prescribed only after such land is used or converted for use for non-agricultural purposes."

The motion was adopted.

MR. SPEAKER.—The question is:

"That clause 34, as amended, do stand part of the Bill."

The motion was adopted.

Clause 34, as amended, was added to the Bill.

L. A. 4

MR. SPEAKER.—The question is:

"That clauses 35 to 44 both inclusive stand part of the Bill."

The motion was adopted.

Clauses 35 to 44 both inclusive were added to the Bill.

Sri V. S. PATIL.—Sir, here in clause 45 it is stated that:

"(1) If the competent authority is satisfied,

(*a*) that the person authorised to occupy any Board premises has—

(*i*) not paid rent lawfully due from him in respect of such premises for period of more than two months, or

(*ii*) sub-let, without the premission of the Board. the whole or any part of such premises, or

(*iii*) otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premisses, or

(*b*) that any person is in unauthorised occupation of any Board premisses, the competent authority may, notwithstanding anything contained in any law for the time being in force...."

For (i) and (iii) there is relief granted under the sub-section regarding power to recover rent etc., *i.e.*, in sub-clause (iii) relief is given to the defaulters of sub-clauses (i) and (iii), but no relief is granted to the defaulters under sub-clause (ii). If a person does not pay the rent in full, he is a defaulter, and if he pays the rent in a particular time, then he has to be continued.

MR. SPEAKER.—It is intended that he should enjoy.

Sri V. S. PATIL.—Suppose I take 5 or 6 rooms and out of that if I sub-let one room, I am liable to foot all the Bill. If I evict that man or ask him to get away from the premises and did not use it for sub-letting, then some relief on that score also must be there. If he does not comply, of course he will have to be evicted. When we are making provision for relief to the defaulters in these two clauses, defaulter in payment of rent as well as defaulter in following the terms, why not should we give any relief to persons who have committed default or mistake under sub-clause (ii)?

MR. SPEAKER.—Because he trades in it.

Sri V. S. PATIL.—That is what I am submitting.

MR. SPEAKER.—It will be contrary to the terms of the bond executed. If it is brought under (ii), then (iii) might be more comprehensive.

Sri V. S. PATIL.—If the wording had been that the 'whole has been sub-let,' I can understand it. When it is merely a part, why should it be applied?

MR. SPEAKER.—So that he should not sub-lease it at all to any extent.

Sri V. S. PATIL.—There must be relief. That is my suggestion.

Sri D. DEVARAJ URS.—My friend will agree that under no circumstances should we allow any person to sublet. Not paying the rent for sometime is a totally different offence from that of sub-letting. The competent authority may not know subletting for a number of years, he stands to gain so much and afterwords allow him to check him out and all that means there will be an encouragement indirectly for subletting. We definitely do not want subletting.

Sri V. S. PATIL.—Sir, in sub-clausc (2) of Clause 55 it is stated that "the Board shall cause its accounts to be audited annually by such persons as the State Government may direct." Here, instead of taking this power by the State Government, the word ought to be 'recognised accountants', *viz.*, persons who have already qualified themselves.

MR. SPEAKER.—Why do you think that they will not appoint qualified persons?

Sri V. S. PATIL.—The Accountants who have passed their examinations and have started some firms of Accounts may be allowed to be appointed by the Board for auditing their accounts, because they are auditing the accounts of several concerns and they know how to audit them. Instead of giving this power to the State Government, let the audit be done by the qualified persons.

Sri G. V. GOWDA.—My observation is that it should be audited by the Accountant-General.

Sri D. DEVARAJ URS.—We have made it very fool-proof. The present practice is that the Board's accounts are audited by the Accountant-General and the State Accounts Department. The same procedure will continue, and that is why it has been mentioned so.

MR. SPEAKER.—The question is:

"That Clauses 45 to 63, both inclusive, do stand part of the Bill."

The motion was adopted.

Clauses 45 to 63 were added to the Bill.

Sri D. DEVARAJA URS.—Sir, I beg to move an amendment to clause 64.—

"That the word "Mysore" shall be omitted."

MR. SPEAKER.— Amendment moved:

"That the word "Mysore" shall be omitted."

The question is:

"That the word 'Mysore' in Clause 64 shall be omitted."

The motion was adopted.

MR. SPEAKER.—The question is:

"That Clause 64, as amended, do stand part of the Bill."

The motion was adopted.

Clause 64 amended was added to the Bill.

MR. SPEAKER.—The question is.-

"That clauses 65 to 89, both inclusive stand part of the Bill."

The motion was adopted

Clauses 65 to 89, both inclusive, were added to the Bill.

MR. SPEAKER.—The question is:

"That clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri D. DEVARAJ URS.—I beg to move:

"That the Mysore Housing Board Bill, 1962, as amended, be passed."

MR. SPEAKER.—The question is:

"That the Mysore Housing Board Bill, 1962, as amended, be Passed."

The motion was adopted.

THE MYSORE FOREST BILL, 1962.

Motion to Consider.

†Sri B. RACHAIAH.— (Minister for Forests and Fisheries).- I beg to move :

"That the Mysore Forest Bill, 1962, be taken into Consideration."

MR. SPEAKER.—Motion moved :

That the Mysore Forest Bill, 1962, be taken into consideration."

Sri B. RACHAIAH.—In placing this Bill for the consideration of the House, I would like to make a few remarks on the salient features of this Bill. Sir, like the proverbial banian tree, the forests have their association with mankind from time of Adam. Many a civilisation has flourished and disappeared, but forest continued to stay even today as though it is an indication of the human history. Forest had influence on the culture and life of manking and stand as an index of civilisation that mankind has achieved during the life time of the human race. They tell the sad tales of human sufferings and also the glorious days that mankind had in the past. So, without the association of man, forest cannot flourish. Likewise man cannot prosper without these forests. They have an influence over atmosphere, over our own culture and our own spiritual attainment, Our grandfathers had built up temples in forests; after 50 years they used to go to forest and spend their time.

MR. SPEAKER.—I feel very much embarrassed. I am not inclined to go to forest.

Sri B. RACHAIAH.— The forests have influenced great people to write great epics. Hence, the great men have attained their reunciation in the forest itself. So, with this background, one will get the